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1 — Volkswagen to Stop Sales of Diesel Cars Involved in Recall, The New York Times, 9/20/2015

<http://nyti.ms/1FaMwtf>

Volkswagen said on Sunday that it would halt sales of cars in the United States equipped with the kind of diesel motors that had led regulators to accuse the German company of illegally installing software to evade standards for reducing smog.

2 — Heinrich Calls For Reforms To Mining Law In Environment And Public Works Hearing On Recent Spill, Los Alamos (NM) Daily Post, 9/20/2015

<http://www.ladailypost.com/content/heinrich-calls-reforms-mining-law-environment-and-public-works-hearing-recent-spill>

U.S. Sen. Martin Heinrich, D-N.M. spoke at a U.S. Senate Committee on Environment and Public Works (EPW) oversight hearing Wednesday on the Gold King Mine spill that occurred last month.

3 — Researchers find heavy metals along river after mine spill, Albuquerque Journal, 9/18/2015

<http://www.abqjournal.com/646343/news-around-the-region/researchers-find-heavy-metals-along-river-after-mine-spill.html>

Researchers say they found scattered accumulations of heavy metals along a 60-mile stretch of riverbank in Colorado and New Mexico a month after the Gold King Mine wastewater spill and say that any potential threat to crops and livestock should be studied further.

4 — Clean-water Groups Respond To Ryan Flynn's Congressional Testimony, Los Alamos (NM) Daily Post, 9/19/15

<http://www.ladailypost.com/content/clean-water-groups-respond-ryan-flynn-s-congressional-testimony>

New Mexico Environment Secretary Ryan Flynn testified in front of the U.S. House of Representatives Thursday regarding August's Gold King Mine spill in the Animas River, promoting New Mexico's management of natural resources.

5 — Fleming criticizes EPA's double standard, Minden Press-Herald, 9/17/2015

<http://press-herald.com/fleming-criticizes-epas-double-standard/>

Congressman John Fleming, M.D. released the following statement after questioning EPA Administrator Gina McCarthy: "When it comes to cleaning up Camp Minden, or causing the Animas Mine spill in Colorado, EPA plays by a different rulebook than it applies to its victims."

6 — Camp Minden groundwater safety focus of workshop, Minden Press-Herald, 9/16/2015

<http://press-herald.com/camp-minden-groundwater-safety-focus-of-workshop/>

The Environmental Protection Agency hosted a community workshop and open house Thursday to present data to the public regarding Camp Minden's groundwater and give history of the site.

7 — UT regent "fracking" for natural gas in wetlands area, San Antonio Express-News, 9/19/2015

<http://www.expressnews.com/news/local/article/UT-regent-fracking-for-natural-gas-in-6516781.php>

Wallace Hall steers his four-wheeler through thick mud below a canopy of cedar elm and black walnut trees. Hall, an outspoken University of Texas regent, stops at a gas drilling pad, one of a handful within his wetland preserve, known as a "mitigation bank."

8 — Oil Regulators Shut Down Two Disposal Wells After Earthquakes Near Cushing, NPR StateImpact, 9/18/2015

<https://stateimpact.npr.org/oklahoma/2015/09/18/oil-regulators-shut-down-two-disposal-wells-after-earthquakes-near-cushing/>

State oil and gas authorities on Friday limited activity at five disposal wells after a string of earthquakes recorded near the city of Cushing.

9 — What's the OCC's regulatory role?, Enid (OK) News, 9/17/2015

http://www.enidnews.com/news/earthquakes/what-s-the-occ-s-regulatory-role/article_fe2beb9e-5f50-11e5-a30c-7bb79caf1cbf.html

The Oklahoma Corporation Commission's role is to regulate various industries, from trucks, to cotton gins to oil and gas wells.

10 — Community organizers call for more action on Donna lake, KGBT, 9/19/2015

<http://www.valleycentral.com/news/story.aspx?id=1247224#.VgANqhFVhHw>

Members of a community organization known as ARISE call on city and county leaders to do more to prevent others from eating potentially contaminated fish from the Donna lake.

11 — Tech Advances Have “Changed the Way We Will Respond”, Texas Tribune, 9/18/2015

<http://apps.texastribune.org/road-from-rita/better-technology/>

The memory of a Kelly Air Force Base hallway covered with multicolored Post-It notes and scraps of paper in September 2005 still resonates with Nim Kidd, who was then a district fire chief in San Antonio.

12 — EPA ruling changes teaching plan, Tulsa World, 9/21/2015

http://www.tulsaworld.com/business/tulsabusiness/business_news/energy/epa-ruling-changes-teaching-plan/article_4b5ed2a3-553d-5c48-a9cf-dc4a989ec9ff.html

It's one thing to be prepared to teach environmental law to incoming University of Tulsa College of Law students. It's still another to have to do a major revision in those teaching plans just weeks before classes begin.

13 — Feds Set Goal To Cut US Food Waste In Half, KGOU, 9/18/2015

<http://kgou.org/post/feds-set-goal-cut-us-food-waste-half#stream/0>

The Obama administration is challenging America to reduce food waste by half in 15 years. In an announcement Wednesday, officials from the U.S. Department of Agriculture and the Environmental Protection Agency said they would team up with food retailers, charity groups and local governments to meet that goal.

14 — 17th National Environmental Conference at Tar Creek will cover a broad range of issues, Red Dirt Report, 9/18/2015

<http://www.reddirtreport.com/red-dirt-news/17th-national-environmental-conference-tar-creek-will-cover-broad-range-issues>
Moseley Road, Tinker Air Force Base, The Tenth Street Dump. These are just three of the five EPA Superfund sites in Oklahoma County. Another ten sites are scattered across seven other counties in the state.

15 — How does the Mississippi River impact the Gulf? Research aims to find out, New Orleans Times-Picayune, 9/21/2015

http://www.nola.com/environment/index.ssf/2015/09/how_does_the_mississippi_river.html#incart_river

Research funded by a \$300,000 federal grant should shed more light on how the Mississippi River impacts the water quality and wildlife of the Gulf of Mexico.

16 — Extension sought for completing work on False River containment dike, Baton Rouge Advocate, 9/21/2015

<http://theadvocate.com/news/13462795-123/extension-sought-for-completing-work>

As the first phase of restoration efforts in Pointe Coupee Parish's False River nears completion, officials say they're already seeing robust plant growth and a return of the habitats and vegetation most desirable to fish.

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INTERNATIONAL BUSINESS

Volkswagen to Stop Sales of Diesel Cars Involved in Recall

By JACKEWING and CORAL DAVENPORT SEPT. 20, 2015

FRANKFURT — Volkswagen said on Sunday that it would halt sales of cars in the United States equipped with the kind of diesel motors that had led regulators to accuse the German company of illegally installing software to evade standards for reducing smog.

John Schilling, a Volkswagen spokesman, said that the company would stop selling 2015 and 2016 Volkswagen and Audi models equipped with 4-cylinder turbo diesel engines, which the company has marketed as “clean diesel.” The company will also stop selling used cars that have the engines, Mr. Schilling said.

He said he did not know how many models would be stuck on dealer lots as a result of the decision. Earlier this month, Volkswagen had said that 23 percent of new cars sold in August in the United States were diesels, or 7,400 vehicles.

The confirmation of the halt in sales came on the same day that Martin Winterkorn, the chief executive of Volkswagen, apologized for conduct that

prompted the Environmental Protection Agency to order Volkswagen to recall nearly half a million vehicles.

Volkswagen could face billions of dollars in fines for what the E.P.A. said was a deliberate attempt to evade rules on emissions. The decision to stop sales was first reported by The Wall Street Journal.

"I personally am deeply sorry that we have broken the trust of our customers and the public," Mr. Winterkorn said in a statement.

He said the company would "cooperate fully" with the authorities and order its own independent investigation into the accusations.

In his statement, Mr. Winterkorn did not contest assertions by the E.P.A. that Volkswagen sold cars equipped with software that could detect when periodic state government emissions testing was taking place.

Only during such tests are the cars' full emissions control systems turned on. During normal driving situations, the controls were turned off, allowing the cars to spew as much as 40 times the pollution allowed under the Clean Air Act, the E.P.A. said.

Diesel-driven cars have enjoyed something of a renaissance in recent years, shedding much of their old stigma for being dirty, clanky and sluggish to drive, said Karl Brauer, an analyst at Kelley Blue Book. And in the United States, he said, Volkswagen has clearly led the pack — offering diesel vehicles that performed just like their gasoline counterparts.

"Now, we have to wonder if the technology really advanced as far as we thought at VW," Mr. Brauer said. "They must have had a problem making it work in a way that delivered truly clean diesel. At least clean enough to meet the regulations."

Mr. Brauer said the higher nitrous oxide emissions probably allowed better drivability. Fuel economy also improves with more nitrous emissions,

and engines can run cooler, and thus wear out more slowly.

"They must have had a mix of performance, economy and durability that they liked, but realized they couldn't achieve that and still get the emissions," he said.

Diesels in particular are known — and marketed — these days as having tremendous torque, or low-end thrust from a stop. If achieving the required emissions affected the torque, making it anemic, then "drivers are going to scratch their heads, thinking, isn't this why I got a diesel?" Mr. Brauer said.

Volkswagen was going through a difficult period even before the accusations became public on Friday. Mr. Winterkorn recently survived a power struggle with the chairman of Volkswagen's supervisory board, Ferdinand Piëch, a scion of the Porsche family who dominated the company for more than two decades before resigning in April.

Following Mr. Piëch's departure, some analysts have raised questions about whether Mr. Winterkorn would be strong enough to hold together the sprawling Volkswagen empire, which also includes Audi and Bentley luxury cars, Porsche and Lamborghini sports cars, Scania and MAN heavy trucks, and Ducati motorcycles.

Although Volkswagen recently surpassed Toyota as the world's biggest automaker measured by the number of cars sold, it is significantly less profitable than its Japanese rival and far weaker in the United States market.

A push by Volkswagen to increase sales in the United States, which included building a factory in Chattanooga, Tenn., to produce Passat sedans, has fallen short.

"For Volkswagen, it's a huge scandal," said Ferdinand Dudenhöffer, a professor at the University of Duisburg-Essen, who follows the automobile

industry. "The timing is extremely unfortunate."

Professor Dudenhöffer said the case could damage all German automakers, which have tried to build acceptance in the United States for diesel engines, a sector in which they believe they have a technological lead.

Until recently, Professor Dudenhöffer said, the United States applied stricter standards to diesel engines than those applied by European regulators. But the European authorities, concerned about the health effects of diesel pollution, have tightened standards, prompting complaints from the auto industry.

Professor Dudenhöffer said that as a result of the E.P.A. action, Mr. Winterkorn could come under pressure to resign.

"Winterkorn was already damaged," Professor Dudenhöffer said. "Now there is an accusation of illegal behavior. This story is not over."

E.P.A. officials issued the car company a notice of violation and said it had admitted to the use of a so-called defeat device.

The recall involves 4-cylinder Volkswagen and Audi vehicles from the model years 2009 to 2015.

The software was designed to conceal the cars' emission of nitrogen oxide, a pollutant that contributes to the creation of ozone and smog, which are linked to a range of health problems, including asthma attacks, other respiratory diseases and premature death.

Disengaging the pollution controls on a diesel-fueled car can yield better performance, including increased torque and acceleration.

California has issued a separate notice of violation to the company. California, the E.P.A. and the Justice Department are working together on an investigation of the allegations.

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Heinrich Calls For Reforms To Mining Law In Environment And Public Works Hearing On Recent Spill

Submitted by Chris Clark on September 20, 2015 - 8:19am

SENATE News:

WASHINGTON, D.C. — U.S. Sen. Martin Heinrich, D-N.M., spoke at a U.S. Senate Committee on Environment and Public Works (EPW) oversight hearing Wednesday on the Gold King Mine spill that occurred last month.



The committee examined the U.S. Environmental Protection Agency's (EPA) response to the accident, which caused a large plume of bright orange toxic waste to spill into the Animas and San Juan Rivers and pollute the Four Corners region, and the subsequent impact it had on the environment and economies of local states, communities, and Indian tribes.

VIDEO: Heinrich Remarks On Gold King Mine Spill [Download HD Video] [Download Audio]

In the hearing, Heinrich said, "In the Southwest, water is our most precious resource, so you can imagine the kind of impact this disaster has had on our communities in Colorado, New Mexico, the Navajo Nation, and Arizona. I have demanded that the EPA act with urgency to protect our health and safety and repair the damage inflicted on this watershed. This must be our first and top priority."

Heinrich also highlighted the need for reforms to federal mining laws.

He displayed maps of New Mexico and Colorado—the two states most affected by the spill—that show the abandoned hardrock mines and the waters polluted by hardrock metals.

"Beyond the immediate cleanup of this spill, it's high time that we overhaul our abandoned mine cleanup policies to make future disasters like this less likely," Heinrich said. "While developers of resources like oil, natural gas, and coal all pay royalties to return fair value to taxpayers for our public resources, hardrock mining companies can still mine valuable minerals for free."

Last month, Heinrich traveled to northwestern New Mexico to deliver water to local farmers impacted by the Gold King Mine spill and was briefed by EPA officials on its response to the disaster.

During his travel to the area, Senator Heinrich also met with Navajo Nation President Russell Begaye in Window Rock, Ariz., to discuss the response efforts in Indian Country.

Below are Heinrich's remarks as prepared for delivery:

Thank you, Chairman Inhofe and Ranking Member Boxer for holding this important hearing today.

Last month, a large plume of bright orange mine waste spilled into the Animas and San Juan Rivers and polluted the Four Corners region.

I share the anger and frustration over this terrible accident.

When I toured the affected areas following the spill, I visited with impacted residents—including farmers in Aztec—as well as San Juan County leaders and Navajo Nation President Russell Begaye.

In the Southwest, water is our most precious resource, so you can imagine the kind of impact this

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disaster has had on our communities.

I have demanded that the EPA act with urgency to protect our health and safety and repair the damage inflicted on this watershed. This must be our first and top priority.

But we must also look over the horizon and take action to address the hundreds of thousands of other similarly contaminated mines that litter the West and are leaking toxins into our watersheds.

There are estimates that 40 percent of Western watersheds have been polluted by toxic mining waste and that reclaiming and cleaning up abandoned mines could cost upwards of 32 to 72 billion dollars.

I want to show you maps of New Mexico and Colorado, the two states most affected by this spill.

These maps show all of the abandoned hardrock mines and the waters polluted by hardrock metals.

You can see that Southwestern Colorado—where the Gold King Mine is—has literally thousands of unreclaimed mines.

If we chose any other Western state, the map would look similar, and in some states even worse.

This latest disaster is all too familiar.

In 1975, in an even larger accident than the Gold King blowout, a large tailings pile near Silverton, Colorado spilled 50,000 tons of tailings laden with toxic heavy metals into the Animas River watershed.

In 1979, a breached dam at a uranium mill tailings disposal pond near Church Rock, New Mexico, on the Navajo Nation, sent more than 1,000 tons of solid radioactive waste and 93 million gallons of acidic liquid into the Rio Puerco.

For decades before the spill last month, the Gold King Mine leached water laced with heavy metals and sulfuric acid into Cement Creek, a tributary of the Animas River.

Over the last 10 years, an average of 200 gallons of highly polluted water per minute—or more than 100 million gallons per year—flowed out of this mine into the Animas River via Cement Creek.

The Gold King and other abandoned mines in the San Juan Mountains are polluting the Animas and San Juan watershed as we speak.

Beyond the immediate cleanup of this spill, it is high time that we overhaul our abandoned mine cleanup policies to make future disasters less likely.

While developers of resources like oil, natural gas, and coal all pay royalties to return a fair value to taxpayers for our public resources, hardrock mining companies can still mine valuable minerals on America's public land for free without any plan to address a century of pollution from abandoned mines.

A comprehensive approach to mining reform should include the establishment of a Hardrock Reclamation Fund, funded by a fair royalty on public minerals; Good Samaritan authority to allow third parties to cleanup mine sites they had no role in creating; and a comprehensive survey of abandoned mines and a plan to clean them up.

I appreciate the value of the hardrock mining industry. My father and my mother's father both made a living in hardrock mining. This industry continues to provide good-paying jobs throughout the West. And some mining companies are already stepping up to help clean up old abandoned mines.

But passing long overdue reforms to our federal mining law—which has not been updated since 1872—is critical if we want to address the root cause of this disaster, stop future disasters, and protect the health of our communities, our land, and our water.

We must make sure this mine waste spill is cleaned up, and that affected communities are made whole. Additionally, we must go further than that, and finally address the decades-long disaster that is abandoned hardrock mines.

If we stop our efforts with this one incident, we can be sure we will see similar spills again and again in the decades to come. We shouldn't wait for disasters like this one to strike; Western communities deserve full and complete protection of their drinking and irrigation water.

I applaud this committee's efforts to bring oversight to the EPA. But if we, as a Congress, stop there, we are leaving behind millions of people living in communities whose water comes from watersheds like the Animas and the San Juan.

Thank you

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ALBUQUERQUE JOURNAL

Researchers find heavy metals along river after mine spill

By Dan Elliott / Associated Press

Published: Friday, September 18th, 2015 at 2:21pm

Updated: Friday, September 18th, 2015 at 5:07pm

DENVER — Researchers say they found scattered accumulations of heavy metals along a 60-mile stretch of riverbank in Colorado and New Mexico a month after the Gold King Mine wastewater spill and say that any potential threat to crops and livestock should be studied further.

David Weindorf of Texas Tech University and Kevin Lombard of New Mexico State University said they found patches of discolored sludge containing elevated levels of iron, copper, zinc, arsenic and lead along the Animas River from around Farmington, New Mexico, to just north of Durango, Colorado.

The concentrations of those metals were higher than at other sites they tested on the riverbank and on nearby irrigated and non-irrigated land, Weindorf said.

None of the high readings was found in ditches that carry irrigation water to crops, Weindorf said. Irrigation systems along the Animas were closed before the mustard-colored plume of tainted wastewater drifted downstream after the Aug. 5 blowout at the Gold King in southwestern Colorado.

About 3 million gallons of wastewater rushed out of the mine after a cleanup crew supervised by the Environmental Protection Agency inadvertently breached a debris dam at an entrance to the mine.

The water tainted rivers in Colorado, New Mexico and Utah. The EPA has been sharply criticized for causing the blowout and for being slow to notify downstream users, including the Southern Ute Tribe and the Navajo Nation.

The EPA has said its tests of water and sediment show concentrations of metals have returned to pre-spill levels, but it's not clear whether the agency tested the same areas Weindorf and Lombard did.

EPA spokeswoman Laura Allen said the agency will review the researchers' findings. She said the EPA plans its own long-term monitoring project and has asked the affected states and tribes for their input.

Weindorf described his and Lombard's work as a pilot study and said he didn't want to cause undue alarm, but he believes soils need to be tested over the long term. Over time, the metals they found along the riverbank could be washed into the river, get into irrigation ditches and gradually build up in the soils of land used to grow food and to graze livestock.

"There's a risk those metals could work their way into our food chain or the food chain for animals. That's why we want to do this long-term study," he said.

Weindorf and Lombard have asked the Natural Resources Conservation Service, part of the U.S. Department of Agriculture, to fund a three-year study that would closely monitor five or six sites along the river, incorporating the three states and two reservations affected. He estimated it would cost \$750,000 to \$1 million. No decision has been made.

Weindorf and Lombard conducted their pilot study Sept. 1-3.

Lombard, who works at the NMSU Agricultural Science Center in Farmington — where the Animas joins the San Juan River — said researchers also took soil samples from irrigation ditches before the polluted plume passed to

compare with future tests.

Weindorf and Russell Begaye, president of the Navajo Nation, questioned why the discolored material wasn't removed by cleanup crews.

"They need to get out there and remove soil that's contaminated," Begaye told a U.S. House committee hearing Thursday.

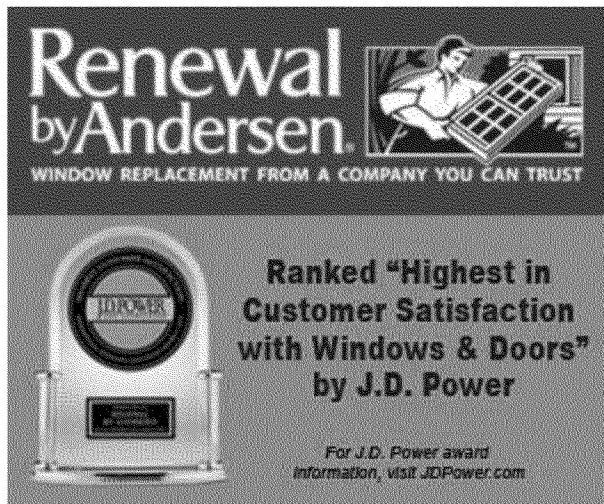
Asked about that kind of cleanup, the EPA said it doesn't anticipate any human health problems from contacting or accidentally ingesting river water, and that the risk to livestock was low.

Colorado officials believe risks are low for most human exposure and don't warrant removing sediment, health department spokesman Mark Salley said.

The department advised avoiding any contact with discolored sediment and water and washing after any exposure.

The New Mexico Environment Department hasn't reviewed Weindorf and Lombard's findings but believes contaminated sediment is one of the more serious risks, spokeswoman Allison Majure said. New Mexico plans its own long-term monitoring.

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Clean-water Groups Respond To Ryan Flynn's Congressional Testimony

Submitted by Carol A. Clark on September 19, 2015 - 8:09am

CVNM News:

New Mexico Environment Secretary Ryan Flynn testified in front of the U.S. House of Representatives Thursday regarding August's Gold King Mine spill in the Animas River, promoting New Mexico's management of natural resources.

But Flynn's actions at the Environment Department have put New Mexico in greater danger of such water-contamination disasters in the future.

"The Animas River toxic spill provides an opportunity for Ryan Flynn and the state of New Mexico government to re-evaluate their neglect of, and indifference to, the need for stringent environmental regulations in northwest New Mexico," said Mike Eisenfeld, New Mexico Energy Coordinator for San Juan Citizens Alliance. "The Animas River spill, unfortunately, is the tip of the iceberg when it comes to environmental problems facing our rivers in New Mexico, including legacy hard-rock mining, coal mining and burning, and uranium/vanadium."

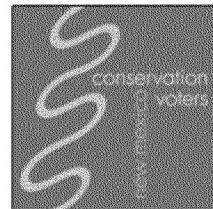
Flynn told the Congressional Oversight and Government Reform Committee Thursday that the Environment Department would never allow a private entity that we regulate to monitor itself.

"That's absurd," said Dan Lormier, Sierra Club Rio Grande Chapter conservation coordinator. "The Environment Department is doing exactly that with both the copper and dairy industries. Under the new Dairy Rule, the dairy industry reports quarterly, and the Environment Department has said it wouldn't even look at the reports until permits came up for review."

Freeport McMoRan, the copper-mining giant, also monitors itself and submits quarterly reports.

"Gov. Martinez and Secretary Ryan Flynn need to take a hard look at their own actions to weaken safeguards that once protected New Mexico's water," said Conservation Voters New Mexico Executive Director Demis Foster. "Not only has the Martinez administration allowed polluters to write their own regulations under Secretary Flynn, like the Copper Rule, the administration has also gutted key protections like the Pit Rule — which protected our groundwater from exposure to chemicals generated by oil and gas operations."

Flynn also testified that states would often be better at handling environmental cleanup projects than the federal Superfund program.



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"That's certainly not the case with some sites in New Mexico. It's pushing 20 years to clean up historical mine contamination at the Chino mine site, and they're still not done," said Allyson Sivik, executive director of Gila Resources Information Project. "The situation with Chino is the same as Gold King — the local community didn't want a Superfund designation, but while the state said it would get it cleaned up in five years under the Chino Administrative Order on Consent, studies are still ongoing, and cleanup is far from complete."

Flynn argued Thursday that states should be given more of the responsibility for management of natural resources.

"But given recent actions by Flynn and the Martinez administration, greater state oversight of our natural resources would be tragic indeed," said Camilla Feibelman, Sierra Club Rio Grande Chapter director.

"Mr. Flynn's attacks on EPA hide the fact that the Martinez Administration has aided and abetted the dismantling of water-quality protections in New Mexico to the benefit of industry," Sivik said. "The governor's Copper Rule and her weakening of the Pit Rule demonstrate her support for polluters and disregard for the environment and public health of New Mexicans."

"The Animas River mining spill offered a tragic — and fluorescent — reminder that resource extraction and other polluting industries have no place in our watersheds," said Eleanor Bravo, director of Food and Water Watch New Mexico. "In New Mexico, mining, Big Dairy and dangerous gas and oil extraction like fracking loom like specters over our precious waterways. With its deplorable record of favoring big business over the health and welfare of the people, the New Mexico Environment Department can't be trusted to protect our water."

"The EPA made major mistakes and must be investigated and its processes improved and reformed. But laying blame solely on the EPA for the Gold King Mine accident distracts attention from the root cause of the spill: the mine owners and the lack of responsible reclamation of the mine site," Sivik said.

On Wednesday, Sens. Tom Udall and Martin Heinrich announced their desire to introduce legislation for mining reform that includes charging a fair royalty on public minerals to fund a Hardrock Reclamation Fund to clean up abandoned mines, a comprehensive survey of abandoned mine lands and a plan to clean them up, as well as "Good Samaritan" legislation that would protect those involved in environmental cleanup from liability.

The Gold King Mine is technically "inactive," and has an owner who should be held accountable. It is erroneous that the Gold King Mine and many associated mines in the Animas River Watershed are simply abandoned — there are private and federal owners that should be as accountable as the EPA.

"The current 1872 Mining Act allows hard-rock mining companies free reign to mine anywhere on our public lands without paying any royalties and without any federal requirements for operations and cleanup. The legislation by Sens. Heinrich and Udall is a good start at fixing that and addressing the contamination that already happens to our water from these thousands of abandoned and inactive mines," Sivik said.

"The accident at the Gold King Mine on the Animas River should serve as a wake-up call. New Mexico has thousands of abandoned and inactive mines that are potentially leaking toxic chemicals into our waterways," said Sanders Moore, director of Environment New Mexico. "We should strengthen our laws and regulations to focus on the sources of this pollution in order to protect our limited water."

There are real steps the federal and state governments can take to clean up our water and prevent more disasters like the Animas Spill. They include reforming the federal 1872 Mining Act; defending our strong state Mining Act, which came under attack in the most recent New Mexico legislative session; repealing the Copper Rule passed by the Martinez administration, which allows water pollution underneath copper mines and is being appealed to the state Supreme Court; strengthening the Pit Rule, which was weakened by the Martinez Administration's Oil Conservation Division; and ending the lawsuit the Martinez administration has joined to stop a key federal clean-water protection.

"The recent dirty-water lawsuit by the Martinez Administration to block a critical federal clean-water rule is one more in a long line of actions by our state leadership to reduce water protections," said Rachel Conn, interim executive director of Amigos Bravos. "The lawsuit has stopped implementation of the Waters of the U.S. rule, leaving thousands of miles of streams in New Mexico vulnerable to pollution."

"Another proactive move for the state of New Mexico would be to advocate for designation of the Silverton Mining Complex as a Superfund Site. In addition, the uranium-mining tailings along the San Juan River in Shiprock, N.M., should be removed permanently from the terrace above the river. The leaking of uranium into Many Devils Wash and into the river, which flows into the Colorado River, is completely unacceptable," Eisenfeld said.

"What we need to stop the ongoing leaking of thousands of abandoned and inactive mines into our drinking and irrigation water is not photo ops and finger-pointing but better water protections — and that requires reversing many of the actions Ryan Flynn and Gov. Martinez have taken to gut those protections," Feibelman said.

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Background:

- Secretary Ryan Flynn discarded a copper-mining draft rule written by his own staff and a technical advisory committee and instead adopted the wish list of global copper giant Freeport-McMoRan. The rule expressly allows contamination of groundwater beneath copper mines in violation of the state's Water Quality Act. Flynn could not get any of his own employees to testify in favor of the rule, which is currently being appealed to the New Mexico Supreme Court.
- In late 2014, Flynn's Environment Department, using precious state resources, submitted detailed comments against a federal clean-water rule that proposed to restore critical Clean Water Act protections to small tributary streams and wetlands. In June the Martinez Administration filed a lawsuit to block this rule. While the lawsuit is pending, the new rule will not apply to waters in New Mexico, leaving thousands of miles of streams in New Mexico vulnerable to pollution.
- Flynn also refused to enforce the state's groundwater rules for industrial dairies because the dairy industry wanted to weaken the already watered-down rules. Dairies, each of which on average produces more waste than a small city, were allowed to operate on expired permits until the dairy industry and water groups negotiated an agreement.
- The Pit Rule, adopted in 2009, required companies to line oil and gas waste pits and remove waste from well sites as part of a closed-loop system to prevent oil and gas drilling waste from leaching into groundwater and soil. In 2013, Martinez's appointed Oil Conservation Division repealed and replaced the rule, taking out many of its protective requirements and threatening the groundwater that 9 out of 10 New Mexican depend on for drinking water.
- Because of the lack of environmental safeguards under the federal 1872 Mining Act, mining companies historically walked away from their operations, leaving a toxic mess behind. These abandoned mine lands and inactive mines continue to degrade surface and groundwater quality, affect wildlife and impact recreational opportunities. The Environmental Protection Agency estimates that 40 percent of the headwaters of Western watersheds have been polluted by mining, and it will take \$50 billion to clean up these environmental liabilities.
- Freeport-McMoRan made an 11th-hour attempt this last legislative session to weaken the New Mexico Mining Act, potentially relieving mining companies from cleanup at inactive mine sites on "standby status," as well as other rollbacks. That bill died in committee.
- The EPA's budget has been slashed by Congress since 2010, providing even fewer funds to protect water and clean up these abandoned and inactive sites that mining companies have left behind.

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Fleming criticizes EPA's double standard

By **Staff Reports** - Sep 18, 2015

WASHINGTON – Congressman John Fleming, M.D. released the following statement after questioning EPA Administrator Gina McCarthy:

"When it comes to cleaning up Camp Minden, or causing the Animas Mine spill in Colorado, EPA plays by a different rulebook than it applies to its victims. When it came to Camp Minden, EPA was pushing for an open burn process that could put the citizens of Northern Louisiana at risk. EPA refused to certify that that proposed process was safe, all the while threatening fines for burning a pile of leaves. Fortunately, the community, along with Senator Vitter and I, were able to push back and get EPA to pursue a closed burn process.

"In the case of the Animas River, if a private individual had caused the mine waste spill, they would likely be in jail. Instead, EPA 'accepts responsibility' in the same way the Hillary Clinton accepts responsibility for using a private email server to send classified material. EPA has taken no actions to fire or reduce the pay of any responsible actor.

"If EPA cannot hold itself accountable, and the President will not act, Congress must act. Upon completion of this Congressional oversight investigation, Congress should insist upon dismissals, severe fines and withholding Congressional funding to hold accountable those responsible."

Dr. John Fleming is Chairman of the Natural Resources Subcommittee on Water, Power and Oceans and is a member of the House Armed Services Committee. He is a physician and small business owner and represents the 4th Congressional District of Louisiana.

Camp Minden groundwater safety focus of workshop

By Michelle Bates - Sep 18, 2015

DOYLINE — The Environmental Protection Agency hosted a community workshop and open house Thursday to present data to the public regarding Camp Minden's groundwater and give history of the site.

Col. William Myer, chief the environmental programs division of the Army National Guard and geologist, gave a presentation explaining his job and the data collected since the installation assignment to the EPA in 1978 of the Louisiana Army Ammunition Plant to present regarding groundwater and soil.

He says monitoring wells are set up around the perimeter of Camp Minden and throughout the base to monitor any contamination that might come up, and since the cleanup of the so called "red water ponds," after its designation as a Superfund site, the damage to soil and groundwater have greatly diminished over the years.

The area of focus was on Area P, where the red water ponds were located, and a topographical view of the entire military base show the flow of water from surface water all the way down to aquifer water.

Dr. Brian Salvatore, one of the first to blow the whistle on the open burn process of nearly 16 million pounds of M6 demilitarized artillery propellant improperly stored at Camp Minden, showed concern about the water flow in the Boone Creek area, where he felt any potentially contaminated groundwater might escape. He called it a "perfect storm of worry."

"I just think that though you are not getting detections there, you need to maybe get some concentrators and get down as low as you possibly can, because it seems like that is a big concern," Salvatore said.

Boone Creek flows into Dorcheat, which flows into Bistineau, and groundwater under Camp Minden feeds Boone Creek. The major concern there is about surface water filtering into the shallow groundwater, Salvatore said.

Myer answered, saying all the tests and monitoring of the groundwater and soil have come back negative for contamination, but it will certainly be something they can look at.

"We can look at that, but I don't know if we're going to get any different results," he said. "We did the investigation, we did the remediation and we're monitoring groundwater quality. Historically, from the samples we've done, we haven't had any surface water detects (problems)."

Myer spent some time going over the geology of Camp Minden, showing how the contamination to the ammunition plant began and how it was cleaned up.

Essentially, the munitions companies, at that time, were trucking wastewater from manufacturing to ponds where that water was allowed to sit, evaporate and soak into the soil.

After the site was put on the National Priorities List in 1989, Myer says remediation began and the soil from those old ponds was dug up, treated and returned to its origin and "capped off" with red clay, impermeable dirt that does not allow water through.

Since the site cleanup in the late 80s and early 90s, the contamination levels, according to their data, continue to diminish, but there are still some very small areas in Area P that still register above what scientists deem safe to human and environmental health.

Myer also spent some time going over the process by which action is taken on environmental cleanups, from the time they know about contamination until post-remediation, when the area has been returned to its natural state.

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NEWS

UT regent “fracking” for natural gas in wetlands area

By James Drew and Susan Carroll, Houston Chronicle |

September 19, 2015 | Updated: September 19, 2015 9:27pm

1

FORT WORTH — Wallace Hall steers his four-wheeler through thick mud below a canopy of cedar elm and black walnut trees, clutching a sloshing cup of Starbucks coffee.

Hall, an outspoken University of Texas regent, passes a field of young hardwood saplings tucked amid ragweed, Johnson grass and sunflowers. Then Hall, 53, stops at a gas drilling pad, one of a handful within his wetland preserve, known as a “mitigation bank.”

Created through a little-known and loosely regulated federal program, Hall’s bank is one of 1,157 nationwide aimed at slowing the rapid destruction of the nation’s wetlands and streams. In exchange for restoration, banks like Hall’s sell credits to developers and government agencies that need permits to destroy delicate ecosystems.

But Hall’s bank is not merely a preserve. Thousands of feet below the surface, a network of



Photo: Gary Coronado, Staff / Houston Chronicle

IMAGE 1 OF 9

A Chesapeake Energy natural gas pad sits within the boundaries of the Trinity River Mitigation Bank, owned by Wallace Hall, wetlands along the West Fork Trinity River, located at 9796 TrammelDavis Road Monday, Aug. 10, 2015, in Fort Worth, Texas. The Chesapeake Energy, Duck Lake A Padsite (Lat 32.7846813, Lon -97.1570985), is linked to natural gas wells in the boundary of the wetlands mitigation bank. Public and private companies that need a federal permit to destroy wetlands can pay a mitigation bank, which in exchange restores or enhances wetlands. (Gary Coronado / Houston Chronicle)

wells is extracting gas from the Barnett Shale. State records show the wells were created using hydraulic “fracking,” an extraction method that injects large amounts of water, sand, and chemicals at high pressure down and into horizontally drilled wells.

The practice disappoints some environmentalists, and runs contrary to current guidelines for wetland mitigation banks established by the U.S. Army Corps of Engineers. Records show several Texas banks, including Hall’s, still are extracting oil and gas. The corps found in 2008 that mineral exploration is not a “compatible use” within those preserves, but Texas officials

have continued to allow it.

Hall's gas wells were grandfathered and exempt from the guidelines.

Of the 49 operating wetland and stream banks operating in Texas, at least six have producing oil or gas wells, Texas state well records and federal mapping data show.

His bank has more active natural gas wells than any of the other federally permitted wetlands bank in Texas. He's sold millions of dollars in wetland mitigation credits to businesses and governments, including \$1.7 million in credits to the Texas Department of Transportation.

“This should be a case study in environmental care and success, not criticized by people who don't know the circumstances of the bank,” Hall said.

The nation has struggled for decades to preserve wetlands, which filter and clean water and support a variety of plants and minerals, including rare and endangered species.

From the mid-1950s to the mid-1970s, the country saw a net loss of 450,000 acres per year, the U.S. Geological Survey reports. But that loss declined to 62,300 between 2004 and 2009, the U.S. Fish and Wildlife Service said.

A big part of that decline in the loss of wetlands was due to eliminating federal agricultural subsidies that encouraged the conversion of wetlands to farmland, said Dave Olson, a regulatory program manager for the Army Corps of Engineers' headquarters in Washington.

But the corps' own permit program is designed to encourage applicants to destroy fewer wetlands too, Olson said. Since they must get a permit to destroy wetlands, mitigation banking makes it easier for businesses and government agencies to pay others instead of taking responsibility themselves for creating or managing wetlands, Olson said. Those banks can set their own prices — and sell until the corps determines their “credits” have been used up.



Mitigation banking is considered a “free market” approach to saving wetlands. Mitigation bank operators, because they can make a profit, have an incentive to protect wetlands long term, Hall and other supporters say.

Hall said if that properly managed by the corps, mitigation banking “is as good a government program as I’ve personally looked at.”

Robert McFarlane, who owns a 420-acre mitigation bank along the Trinity River in Anderson County, about 120 miles downstream from Hall’s, said he already had planned to conserve the land, so mitigation banking is extra money that arrives in the mail.

“Mailbox money is nice. They sell a credit. You get \$500 or \$800 in the mailbox that you didn’t know that was coming,” said McFarlane, a cardiac surgeon in the town of Palestine. “I’ve probably sold \$3 million to \$4 million in credits, and all of it went back into this place. It’s a way to make money and to not run cows, to stay alive on a rural landscape.”

Critics of mitigation banking raise questions about whether taxpayers are getting what they paid for when mitigation banks sell credits to government agencies.

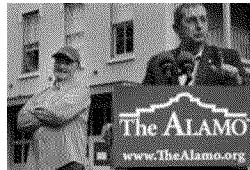
William M. Lewis, a University of Colorado ecology professor, said the weakness of the banking is that it may not replace the quality of the wetlands destroyed.

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“The ... system is based on the assumption that wetlands that are created or restored will function as well as natural wetlands. We know that they probably don’t. It is very difficult to engineer nature,” he said.

A decade ago, the corps’ track record in overseeing mitigation banks came under scrutiny by the Government Accountability Office, a federal watchdog. The GAO found federal officials rarely inspected sites to document whether mitigation was occurring.

Olson said the corps required its 38 districts to step up on-site inspections of mitigation banks.

But corps’ oversight still relies heavily on self-reporting — mitigation banks are required each year to submit their own monitoring reports.

In 2008, the corps and the Environmental Protection Agency issued new regulations for mitigation banks, requiring bank operators to “prohibit incompatible uses,” and listing mineral extraction as an example. But those rules included a caveat — each Corps of Engineers district office could determine on a case-by-case basis what uses would be allowed.

The corps’ headquarters doesn’t track which mitigation banks have active oil or gas wells.

In Texas, one wetlands mitigation bank owned by the Texas Department of Transportation contains oil wells. And there are active gas wells within one of the largest of the federally permitted preserves in Texas, Pineywoods Mitigation Bank, which spans more than 19,000 acres.

Hall’s mitigation bank has 17 active wells, state Railroad Commission records show. Brent Jasper, the mitigation bank coordinator for the corps’ Fort Worth District, said because Hall already was operating his mitigation bank before the new rules took effect in 2008, he was exempt from them.

In an interview, Hall said he made sure the gas pad sites were placed in areas that were not “ecologically sensitive.”

“I put the pad sites in areas that were not yet — maybe at one time they had been wetlands

— but they were now pasture,” he said. “When you look at the impact to lands within the bank, we’re talking about less than 1 percent of the property.”

Mineral leases

Most Texans know Hall not for his mitigation bank, but for his stormy tenure as a UT regent. Appointed to the board by Gov. Rick Perry in 2009, he has filed voluminous public records requests crusading against favoritism in admissions at UT-Austin and against a secretive loan program at the UT law school.

The university’s champions in the Legislature, led by House Speaker Joe Strauss, counter-attacked several years ago, accusing Hall of bullying administrators, divulging confidential student information and abusing public records requests, all charges Hall denied. At one point in 2014, a House committee investigating Hall concluded that he had failed to disclose several lawsuits on his application to become a regent.

Hall responded that he had nothing to hide, and that he had not disclosed those suits because they were unrelated to his work as a regent. They involved something a world apart from the academic wars: mitigation banking.

Hall began his mitigation bank long before he ever became a regent.

The four main tracts of Hall’s mitigation bank cover 1,380 acres and sit in the floodplain about 12 miles outside of Fort Worth. The property passed down to Hall’s wife as part of a family trust after her father died.

Hall, a UT-Austin graduate who worked in securities and in oil and gas exploration, struggled with what to do with the land. At the time, it was being used primarily for cattle grazing and had a working sand-and-gravel mine. Hall said he didn’t want to build homes deep in a floodplain that includes a sewage treatment plant and landfills.

In 2001, as Hall prepared to open his mitigation bank, Texas legislators approved a bill sought by the state Department of Transportation.

The bill, which Perry signed into law, allows the agency to pay a company to preserve wetlands at another site when they are destroyed in a roadway project.

State officials said the law change was needed to provide TxDOT with more flexibility in getting permits from the Corps of Engineers.

Previously, the state transportation department often would buy wetlands and give the tracts to the state Parks and Wildlife Department to maintain.

Nine days after the new law took effect, Hall and the corps’ Fort Worth District signed an agreement that governs Hall’s mitigation bank.

The agreement provides details of what Hall’s company, Wetland Partners, planned to accomplish on four tracts.

The document includes a section that says exploration and production of “mineral resources beneath the bank is acceptable provided that the resulting ground-disturbing activities and surface alterations are minimized to the maximum extent practicable.”

Hall’s firm entered into an oil and gas lease agreement in 2003 involving parts of all four tracts with a Dallas firm, Dale Resources. Hall said the agreement allowed him to have input on the placement of the gas drilling pads. Hall’s firm later sold its share of the mineral rights to Dorchester Minerals LP in 2009.

“I don’t believe people will preserve anything unless they attach a monetary value to it,” Hall said. “I care about the environment but my eyes are open to the world.”

Road-building credits

Within the first year, the company planted more than 100,000 trees. Many of them later died off, according to a report which Hall was required to submit to the Corps of Engineers.

The schedule to create wetlands lagged because there was no demand for “fill,” the soil removed during land-clearing, records show.

“At the time of inspection, only minimal work has begun in wetlands creation and enhancement areas,” a 2005 report noted.

That summer, the Corps of Engineers approved a request by Hall to deduct credits from his

bank so a gas pipeline could be built through the bank, including a small area of bottomland forest.

Over time, the Trinity River Mitigation Bank would grow far beyond its original 1,380 acres. In the summer of 2008, Hall added a new tract to his mitigation bank encompassing more than 500 acres.

Records show that from 2002 through 2013, TxDOT paid Hall’s mitigation bank about \$1.7 million for wetlands credits. Hall said recently multiple variables influence how much TxDOT has paid his company, including the number of road projects in the Dallas-Fort Worth area, changes in state spending on transportation, and the various prices offered by mitigation banks.

Nine other mitigation banks have sold credits to TxDOT, according to state comptroller’s records. The transportation agency has paid \$3.2 million since 2008 to the South Forks Trinity River Mitigation Bank, on another section of the river in Ellis County.

David Glessner, a spokesman for the state transportation department, said there were two mitigation banks available to TxDOT in the Dallas District area — Hall’s and a bank called Big Woods on the Trinity. He said both mitigation banks were contacted about selling credits.

Glessner said via e-mail: “TxDOT does not evaluate the performance of mitigation banks. The U.S. Army Corps of Engineers oversees the performance of the banks.”

Mary Kelleher owns farmland in the floodplain between two plots of Hall’s mitigation bank and built her house on a total of about 12 acres. When the farm flooded, and it did occasionally when the Trinity River overflowed its banks, it quickly receded when she first moved there, Kelleher said.

But for Kelleher, a Tarrant County employee, and her husband, the experience of living near Hall’s mitigation bank would raise questions about the power of the natural gas industry in their neighborhood, a slice of rural life tucked into the Dallas-Fort Worth Metroplex. Kelleher said flooding worsened by 2011 to the point that she and her husband, who grew up nearby, lost tractors, sheep and chickens during big storms.

Something had changed, she told her husband. So the couple set about trying to figure out

what had altered the water’s flow near their farm. They later filed a lawsuit against companies extracting natural gas that had built service roads through the floodplain and in the mitigation bank, but ultimately dropped their suit.

“Wallace and I are definitely opponents, and he knows that,” Kelleher said. “I don’t think we agree on the safety of gas drilling in neighborhoods and the proper use of land that’s supposed to be protected.”

Hall said that if a road was raised, he had “no knowledge of it.” The roads sit atop city sewer easements and were not technically included in the mitigation bank, he added.

In this year’s legislative session, the budget bill signed into law by Gov. Greg Abbott included a six-line provision. The section requires state agencies that buy wetlands mitigation credits to get approval first from the Legislative Budget Board. It’s an additional layer that could increase scrutiny of how credits are purchased.

Hall cited it as an example of how far powerful interests will go to retaliate against him for his activism as a regent within the UT System.

Rep. John Otto, the Dayton Republican who is chairman of the House budget-writing committee, said in a written statement that the provision was “part of the Legislature’s efforts to increase transparency and accountability at TxDOT and across state government.” Otto added through an aide that it had nothing to do with Hall and similar provisions were added to state law to increase oversight of other state agencies.

Staff Writer Matt Dempsey contributed to this report

View a 2005 review of compensatory mitigation banks by the Environmental Law Institute. Click here for the U.S. Army Corps of Engineers latest rule on the practice.

E N V I R O N M E N T A L L A W I N S T I T U T E

2005 Status Report on Compensatory Mitigation in the United States

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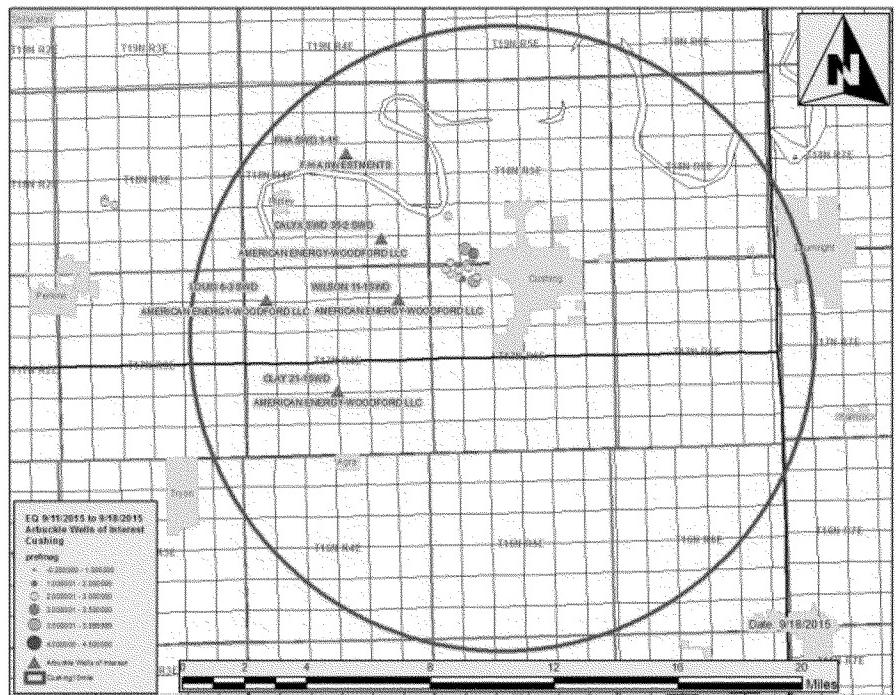
OKLAHOMA

Economy, Energy, Natural Resources: Policy to People

Oil Regulators Shut Down Two Disposal Wells After Earthquakes Near Cushing

SEPTEMBER 18, 2015 | 3:47 PM

BY JOE WERTZ



OKLAHOMA CORPORATION COMMISSION

A map from the Corporation Commission details the quake-related disposal well actions issued on Sept. 18, 2015.

State oil and gas authorities on Friday limited activity at five disposal wells after a string of earthquakes recorded near the city of Cushing.

A wave of small quakes has struck near the city in recent days. On Friday morning, a magnitude 3.8 to 4.1-magnitude tremor was recorded. No damage has been reported.

The orders apply to five disposal wells located east of the city, which is home to a **major storage hub** that holds tens of millions of barrels of crude oil. Two disposal wells operated by American Energy-Woodford were shut down; volume cuts were ordered for the other three, including one operated by F.H.A. Investments.

"None of the wells are what we'd consider to be high volume," said Corporation Commission spokesman Matt Skinner. "They are moderate volume, and each of them has different reasons suggested in the data as to their risk profile."

Skinner says the agency could expand or scale-back the actions in the Cushing area if the earthquake activity continues or slows. The agency is **more frequently issuing quake-**

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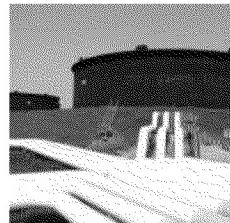
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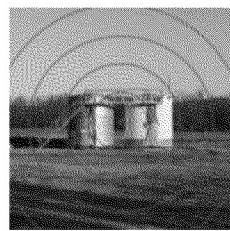
related shutdowns and volume cutbacks at disposal wells, which **scientists say** are likely fueling most of the earthquake activity in Oklahoma.

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What's the OCC's regulatory role?

Jessica Miller | Enid News & Eagle | Posted: Saturday, September 19, 2015 11:35 pm

The Oklahoma Corporation Commission's role is to regulate various industries, from trucks, to cotton gins to oil and gas wells.

"The item that is most of interest, when it comes to earthquakes in Oklahoma, are class two injection wells — most notably disposal wells, that's kind of a subset of the class two injection wells," OCC spokesman Matt Skinner said. "And they are part of what's called the Underground Injection Control program. The UIC program is initially an (Environmental Protection Agency) program, and certain states are granted primacy to run them, if they meet EPA standards, and we're one of those states. So, we run our own program, but it's under the ultimate oversight of the EPA. They audit us, we always work closely with them, but — now with the earthquakes — we're working especially closely with them. So, it's a federal program that was started under the Safe Drinking Water Act. All of its rules and everything else were always written to protect water, to protect fresh water supplies. Obviously, now we're worried about earthquakes."

SCROLL TO BOTTOM of story for interactive map of Oklahoma's injection wells and earthquakes.

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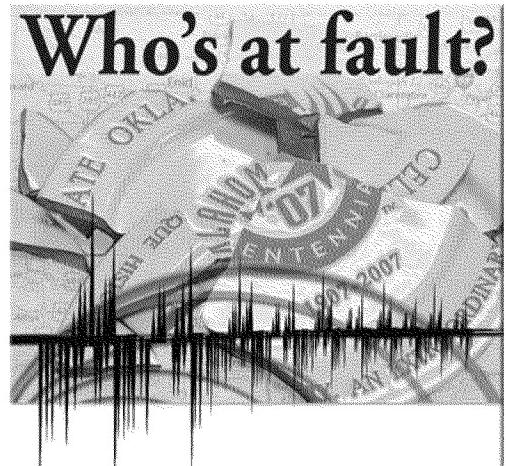
OCC regulation is an "ever-evolving" process, he said.

"There (are) many things that we do now, for instance, like the seismicity review, which we didn't do," Skinner said. "A little over a year ago, we didn't do seismicity review. We couldn't anyway, we didn't have the data we needed for it, in terms of faulting. Things like trend analysis — which led to the volume cutback model that we put in place in Logan County — that's new."

"A year ago, we passed rules directly related to operation of the disposal wells in terms of greatly increasing, on the big wells, the mechanical integrity tests."

Reporting requirements also were established, he said.

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Earthquakes in Oklahoma

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Community organizers call for more action on Donna lake by Analise Ortiz

Posted: 09.19.2015 at 5:15 PM

Members of a community organization known as ARISE call on city and county leaders to do more to prevent others from eating potentially contaminated fish from the Donna lake.

For years, members of ARISE told people living near the reservoir, commonly known as Donna lake, about the Environmental Protection Agency's warning not to eat the fish.

However, Action 4 News met a fisherman from Pharr ready to eat his catch of the day — an 80-pound alligator gar.

"Many people who are not from this area, but people from other parts of the county come fishing and they are not aware about this," said Ramona Casas, a community organizer with ARISE.

That's one reason why ARISE identified Donna lake as one of three major environmental problems in the Valley during a meeting this month with representatives from the EPA, the Texas Commission on Environmental Quality, and city and county leaders.

"We want to work together to find different ways to improve the situation," Casas said.

The agencies want to host a strategic planning meeting next month to find a way to make the public more aware of the importance of refraining from eating the fish.

They will also discuss a sewage outfall on Tower Road in Alamo and the lack of disaster recovery preparedness in colonias.

Valley residents should make sure they know where any fish they purchase comes from, Casas said.



STORIES ▾

Tech Advances Have "Changed the Way We Will Respond"

by Sophia Bollag and Ally Mutnick | Sept. 20, 2015



While Hurricane Rita knocked out power in much of Southeast Texas, James Lee took advantage of a working outlet to charge his cellphone at a gas station at a Beaumont Walmart on Sept. 26, 2015. | Beaumont Enterprise

The memory of a Kelly Air Force Base hallway covered with multicolored Post-It notes and scraps of paper in September 2005 still resonates with Nim Kidd, who was then a district fire chief in San Antonio.

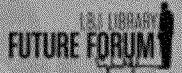
After Hurricane Rita hit the Texas coast, the hallway served as a makeshift communication hub for roughly 36,000 evacuees in San Antonio, many of whom did not know which of the half-dozen area shelters housed their family and friends. They papered the hallway with notes to friends and family listing information on how to reach one another.

"There was no way to track where people were coming from or where they were going," Kidd said. "This main shelter reception hub was really where people would come put their notes up."

Evacuees weren't the only ones relying on non-tech solutions: Emergency management officials used whiteboards to organize their operations during Rita, meaning county and state operations centers had no easy way to see one another's efforts in real time. Without a centralized system and an easy way to broadcast information across the state, Texas residents and officials were in a communication crisis when Rita hit.

AUSTIN HOUSING: PAST, PRESENT, AND FUTURE

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Ten years later, with the rise of social media and better communication technology, emergency responders feel more prepared for the next big hurricane, said Kidd, who is now Texas' top emergency management official.

"It's changed the way we will respond to all disasters because families can respond faster," Kidd said.

Texas also has better predictive weather models that should lead to more efficient and controlled evacuations. New satellite and hotspot technology will allow first responders to get online quickly, regardless of the power situation. And families with smartphones have more sophisticated communication tools to stay in touch, Kidd said — although such technology could still be slow and

erratic in the hours immediately following a hurricane when cell towers and Internet providers are damaged or overwhelmed by demand.

Here's a look at how some new technology could make a difference when the next storm hits.

Advances in Meteorology

Better technology means meteorologists can more accurately predict where hurricanes will make landfall, Jefferson County Emergency Management Coordinator Greg Fountain said. This has improved officials' ability to determine whether and where to mandate an evacuation and prevent residents from fleeing unnecessarily.

"We know the hardships it puts on the people that are having to evacuate, both monetarily and physically," Fountain said. "Jefferson County refineries produce about 16 percent of the nation's gasoline — it has ripple effects across the country on the price of fuel."

To anticipate a hurricane's movements, meteorologists compute predictive models that account for weather conditions, such as estimated wind speed, and pull information from satellites. In the last 10 years, these models have become more accurate because of increased computing power.

Days before Rita made landfall, models estimated the hurricane would hit Matagorda Bay, about 200 miles south of Beaumont. But the forecast was changing fast, said Donovan Landreneau, a National Weather Service meteorologist. At one point, the storm appeared headed for Houston before shifting to Jefferson County. This left forecasters "chasing their tails," Landreneau said.



The Austin-based State Operations Center, shown on Aug. 4, 2015, is securely located 30 feet below ground as a safe, connected place for leaders to come together and direct relief in state emergencies. | Callie Richmond for The Texas Tribune

With the new technology, the margin of error in predicting where a hurricane hits has decreased from about 60 to 65 miles in 2005 to about 50 miles today, Landreneau said. This makes evacuations more efficient, as forecasters can better identify which areas will face heavy winds, rain and storm surge.

"If we were to redo Rita, if they would take the data we had 10 years ago and put it in these computer models, it may have spit out a little more accurate forecasts," Landreneau said. "That's probably where the technology is going to be most beneficial today."

EMERGENCY RESOURCE LIST

[State of Texas Emergency Assistance Registry](#)

This registry allows state and local officials to locate elderly and disabled residents in an emergency.

[Texas Division of Emergency Management Twitter Account](#)

Stay updated on the latest emergency updates from the state.

[National Weather Service's Hurricane Tracker](#)

This provides a detailed look at a storm's path.

[TxDOT Highway Conditions](#)

View current conditions on major roads across the state.

[CDC Hurricane Preparation Advice](#)

Learn tips on preparing your family, your car and your home ahead of a storm.

[Power Outage Protocol](#)

Learn what to do when the power goes out unexpectedly.

[CDC Post-Hurricane Safety Advice](#)

Learn about the precautions you should take after a hurricane.

Emergency Management Software

After Rita made landfall, operations centers lacked an easy way to coordinate their actions in real time.

"We had just started using [emergency management software] in the

Katrina/Rita time period," Kidd said. "But back then dry erase boards were still the go-to tool" for functions like monitoring shelter capacity and firefighting operations.

Since then, new software has improved coordination and organization of emergency management operations.

Kidd highlighted the WebEOC — short for web-based emergency operations center — used by emergency management centers at local, state and federal levels. The software allows responders in the field to submit aid requests to a command center, where workers can view disaster information on interactive maps.

The software also helps command centers monitor shelters' capacity and ability to provide services.

"We're sharing information across jurisdictional lines, cooperating with each other," Kidd added.

Another software program used by some search-and-rescue operations in Texas, Geosuite, allows on-site emergency responders to transmit information on damage, hazards and search-and-rescue missions to operations centers. Although cell towers and Internet connections may be down when emergency responders initially arrive on the scene, the program lets them store data and transmit it once have an Internet connection.

The program was used by Starflight, a Texas-based aerial emergency response team, when heavy floods hit Texas in May.

Mapping software has also improved. When Starflight director Casey Ping was deployed to a Houston operations center during Rita, he carried a binder of CDs containing topographical maps of Texas. Now, such maps are instantly available online for use at operations centers.

"That's probably the biggest leap forward since Rita as far as this technology,"

Ping said of emergency management software.

Mobile Satellite Units and Hotspots

About 50 state emergency response vehicles now each have 15 radio channels and satellite dishes that support telephone communications. When power lines and cell towers stop working, state officials are still able to communicate with one another, Kidd said.



In the State Operations Center, shown on Aug. 4, 2015, one phone is connected to all national emergency operation centers and another is a direct line to all state emergency operation centers. | Callie Richmond for The Texas Tribune

"We've gone to wildfires and floods where first responders get out there and don't have that capability," Kidd said. "Our vehicle pulls up, it's turned on, they see the Wi-Fi signal, they jump on and we're sharing data faster."

State vehicles also have hotspots that can provide Internet access for 20 first responders in areas where cell networks are available. State officials communicate with private companies, such as AT&T and Verizon Wireless, which can provide hotspots for the general public to use at shelters, Kidd said.

In Harris County, officials send emergency vans to areas with the worst communication capabilities or where cell towers have stopped working. Officials sometimes set up two hotspots, one for emergency responders and one for locals.

Congestion on Harris County evacuation routes in rural areas jams cell towers that are often only equipped to serve a local community, said Francisco Sanchez Jr., a spokesman for Harris County's emergency management office. County vehicles with mobile hotspots can travel to those areas and allow some drivers stuck in traffic to make calls, though the technology supports only a limited number at a time.

Smartphones and Social Media



After a hurricane hits, private cell providers will work to ensure residents can use their phones if cell towers go down, said Fountain, the Jefferson County emergency management coordinator. That can include bringing in vehicles that serve as mobile cell towers, known as cellular on wheels units.

"They really do a good job," Fountain said. "They have the [cellular] on wheels units they can roll into an area and have systems back up pretty fast."

Although many evacuees had cellphones during Hurricane Rita, smartphone technology was not widely used. The Pew Research Center found 35 percent

of Americans owned smartphones in 2011, the first year it collected such data. That number climbed to 64 percent in 2014.

In areas with cell service, smartphone users will be able to communicate and stay informed far more easily.

They can access hundreds of applications to see real-time weather forecasts, read updates from emergency management offices and find alternative traffic routes. And widely available portable external batteries can help people keep their phones charged longer.

State and local officials say they plan to use social media to keep residents informed.



Chris Mayes tried unsuccessfully to use his cellphone on Sept. 26, 2005, two days after Rita made landfall. Now, when a hurricane

hits, private cell providers can bring in vehicles that serve as mobile cell towers to help with connectivity. | Beaumont Enterprise

In July, Harris County emergency management officials joined forces with the National Weather Service, the Texas Department of Transportation and others to test the ability of social media to keep the public informed during and after a disaster.

The county has used its online outreach during other natural disasters, but not during a hurricane, when the demand for information is greater and the area affected is larger, Sanchez said. However, during past wildfires and floods, Harris County learned new lessons in addressing the demand for information on road closures, floods, school closures and power outages. Graphics proved to be more effective than text in dispersing information, and officials could better reach residents using hashtags already trending on Twitter.

Jefferson County relies largely on its mass notifications system, which calls registered residents to alert them about emergencies like hurricanes. But Fountain said the county also updates its Facebook page with notifications, a practice other coastal counties follow.

Kidd said the problems during Rita that led to the disorganized communication center at Kelly Air Force Base will be largely fixed by smartphone technology.

"The old Post-It note wall has been replaced by social media and people on their smartphones," Kidd said. "That's a huge change and a game changer for us in emergency management."

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The Texas Tribune and the Beaumont Enterprise partnered for a project looking at

EPA ruling changes teaching plan

By Ralph Schaefer TBLN Correspondent news@tulsabusiness.com | Posted: Monday, September 21, 2015 12:00 am

It's one thing to be prepared to teach environmental law to incoming University of Tulsa College of Law students.

It's still another to have to do a major revision in those teaching plans just weeks before classes begin.

That's what happened to Gary D. Allison, director of Sustainable Energy Resource Law when the Environmental Protection Agency released the Clean Power Plan focused on cutting carbon pollution from power plants.

Allison didn't scrap his entire course schedule because he had been teaching students what might happen.

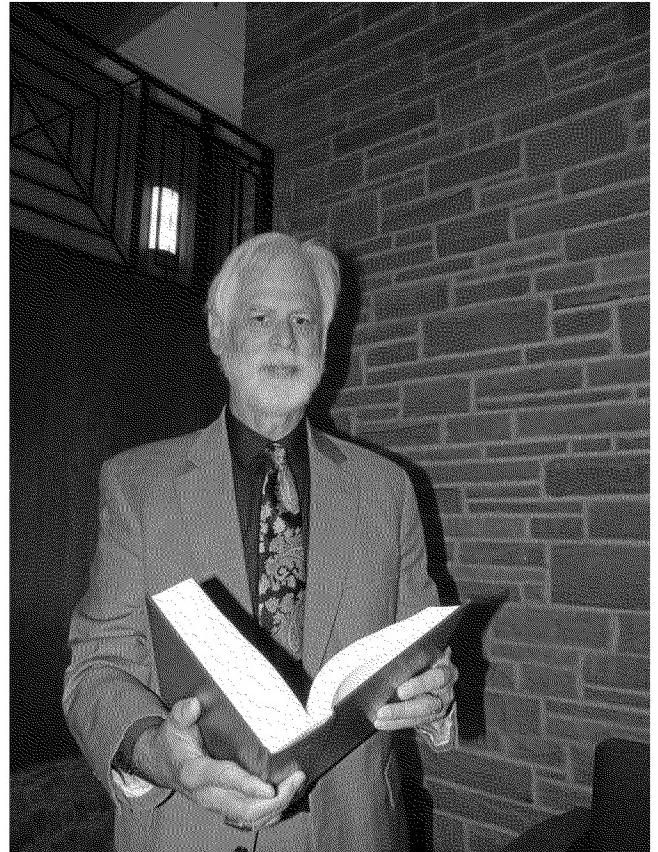
When the plan was formally announced Aug. 3, it meant that Allison had to learn the details to incorporate them into his classes.

The effort by the EPA and the Obama Administration is both a historic and an important step in reducing carbon pollution from power plants that takes rapid action on climate change, according to the agency fact sheet.

The program involves a plan to significantly reduce carbon dioxide emissions by 2030 from the nation's power plant by 32 percent over 2005 levels, Allison said. A variety of ways are included in the overall plan.

Oklahoma, for example, must reduce emissions by 32 percent while Kansas has to reduce emissions by 41 percent over the same period of time. California and other states who have taken aggressive actions to reduce carbon dioxide emissions will be required to do less to achieve the 2030 goals that everyone must reach.

States have been given the discretion to be more strict than outlined in the EPA regulations, he said.



gary_d_allison1

Gary D. Allison is a University of Tulsa College of Law professor and director of the Sustainable Energy and Resources Law Program. Ralph Schaefer for TBLN

They cannot be less strict and the clean power plan operates on those principles. The power plant standards lie in the configurations for each state based on their projected power needs.

A state that has done a lot to reduce greenhouse gas emissions by adopting aggressive programs to bring on renewables and adopting emissions technologies are not elected to achieve as great a reduction as those that have done very little.

Allison said California has done a lot in terms of replacing fossil fuels as sources of electricity with efficiencies and doesn't have to do as much as Oklahoma.

"We still are heavily dependent on fossil fuels in spite being one of the nation's leading wind power producers," he said.

The infrastructure to get wind power from its source to where it can be used is underway.

Efforts have underway to build a very high voltage clean power or transmission line from wind power sources in western Oklahoma that will go through the state and Arkansas to deliver the power to the Tennessee Valley Authority, he said.

Other things are in place, but it is important to remember 2015 is the transition period with the final accounting due in 2030.

Many states are doing a lot of things as they work toward the deadline and must put their first plans forward by 2016. There is an opportunity to extend their plans to 2018, but certain goals should be reached between 2020 and 2022 and 2029.

The transition time is a learning time where states can learn from each other about what is working and not working, Allison said. States, because of the flexibility to meet the standards, can look at each power plant blow by blow and determine if that facility is compliant. If not, state regulators can nudge the operators to make the changes.

A state could adopt aggressive efficiency programs as part of its overall plan to reduce the total amount of carbon dioxide being emitted within their boundaries. It can also adopt aggressive programs and incentives to encourage zero and lower emission technologies.

States also could band together to form a regional group who would set up a regional cap and trade system where they could take advantage of market incentives and encourage the phase-out of fossil fuels as low emission to zero emission technologies are introduced.

The EPA guidelines categorizes power plants, generally steam-based coal fired and less efficient natural gas turbines.

The first is to have the coal-fired power plants become more efficient, Allison said. If new coal-fired facilities are built, they would have requirements that existing plants do not have to meet. Standards also would be more strict for the new natural gas turbine plants.



(1)

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Feds Set Goal To Cut US Food Waste In Half

By [KRISTOFOR HUSTED \(/PEOPLE/KRISTOFOR-HUSTED\)](#) • SEP 18, 2015

[Twitter \(<http://twitter.com/intent/tweet?url=http%3A%2F%2Fwww.tinyurl.com%2Fpmcooxu&text=Feds%20Set%20Goal%20To%20Cut%20Food%20Waste%20In%20Half>\)](#)



(http://mediad.publicbroadcasting.net/p/kgou/files/styles/x_large/public/201509/091615_bananas.jpg)

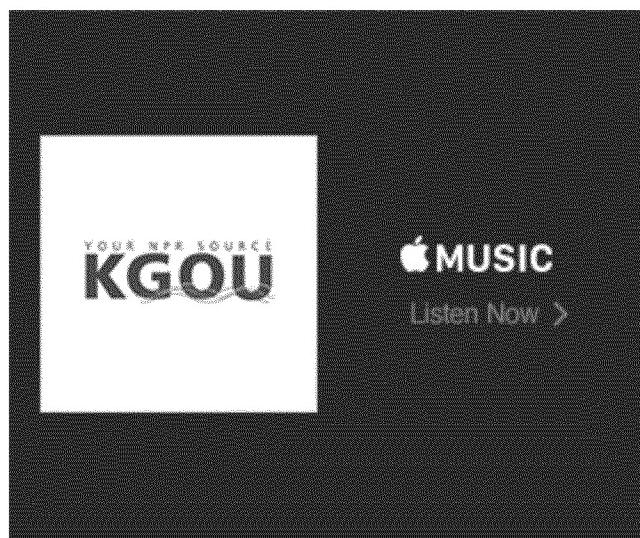
The bananas on the right will likely get dumped into the compost pile because most consumers, like those at this Kansas grocery store, prefer to buy pristine produce.

KRISTOFOR HUSTED HARVEST PUBLIC MEDIA



The Obama administration is challenging America to reduce food waste by half in 15 years.

In an announcement Wednesday, officials from the U.S. Department of Agriculture and the Environmental Protection Agency said they would team up with food retailers, charity groups and local governments to meet that goal.



(Read the NPR story here (<http://www.npr.org/sections/thesalt/2015/09/16/440825159/its-time-to-get-serious-about-reducing-food-waste-feds-say>).)

The average family of four in the U.S. tosses out nearly \$1,500 of food each year, according to the USDA, which means about 31 percent of the national food supply is ending up in landfills.

Cutting that much food waste in 15 years requires a lot of work from the farmer all the way to the consumer, according to Dana Gunders (<http://www.nrdc.org/about/staff/dana-gunders>), a staff scientist with the Natural Resources Defense Council.

"It's going to take prioritizing this issue and funding it, so that we can really build the right infrastructure, conduct the right public education and really support businesses in making the changes that we'll need," she said.

Gunders said food banks will need more refrigerated trucks to recover food, grocery stores will need the proper software to manage their orders and consumers will have to learn how to manage their food purchases better.

Part of the federal plan includes getting as much healthful food to the one in six Americans who are food insecure.

EPA Administrator Gina McCarthy said in a statement that reducing food waste would also help lower the amount of methane coming off of landfills and protect the natural resources on the planet.

The announcement comes a week before the United Nations is expected to set its own sustainability goals.

To read more about food waste, check out the award-winning series from Harvest Public Media: Tossed Out: Food Waste in America (<http://harvestpublicmedia.org/content/tossed-out>).

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17th National Environmental Conference at Tar Creek will cover a broad range of issues



schehrer2.homestead.com

Historical photos of the Netta Mines in Picher and Miami, Oklahoma.



CASEY HOLCOMB | SEPTEMBER 21, 2015

CATEGORY: RED DIRT NEWS

Superfund sites in Oklahoma

MIAMI, Okla. – Moseley Road, Tinker Air Force Base, The Tenth Street Dump. These are just three of the five EPA Superfund sites in Oklahoma County. Another ten sites are scattered across seven other counties in the state. These toxic waste sites continue to poison soils, streams, and drinking water sources with heavy metals like chromium-6, lead, and arsenic. Toxic chemicals such as BTEX, PCBs, and volatile organic compounds remain present in the soils. Large plumes of benzene and other chemical compounds can be found in Oklahoma's underground water sources such as the Garber-Wellington Aquifer.

Five of Oklahoma's Superfund sites are abandoned refineries. The Double Eagle Refinery site in Del City doubled as a catch-all dumping ground for industrial wastes. Major US companies like 3-M and Goodyear used the Double Eagle Refinery site and dispose of hazardous materials. EPA documents say these toxic wastes were stored in unlined pits, which allow contaminants to leach into the soil and groundwater sources.

Del City has a high concentration of Black and Hispanic residents. About 17 percent of Del City residents are African American. 7 percent are Latino. 7 percent are "mixed-race." 4 percent are Native American. Del City is also near another Superfund Site, Tinker Air Force Base, which has been responsible for chromium-6 and VOC contamination. Clean up efforts are still ongoing.

Environmental racism: The Tar Creek example

In Indian country, long-abandoned lead mines and heavy industrial sites have left behind scarred landscapes, undrinkable water, and a lasting legacy of environmental racism.

One of the most infamous and well known Superfund sites in Oklahoma is Tar Creek near Miami, Ok. The intensive lead mining helped keep the US military supplied with ammunition through two World Wars. After World War II, the lead mining industry experienced a sharp decline. By the 1970's all the mines had been abandoned. Most of the mining companies went bankrupt and were not held liable for the cleanup. The majority of the lands are still owned by Quapaw Nation. According to the EPA, "The Quapaw Nation and a group of seven other small tribes in Ottawa County own 80 percent of the land that makes up the Tar Creek Superfund site."

Due to the high level of contamination from lead and other heavy metals, Tar Creek is considered one of

the worst environmental disasters in US history. The contamination has caused widespread lead poisoning in the town of Picher, Oklahoma where more than 100 mountains of lead waste or "chat" are still piled several stories high. Stories from Picher and Quapaw tribe have been chronicled in two feature-length documentaries--*Tar Creek* and *The Creek Runs Red*.

17th Annual Environmental Conference at Tar Creek

On Tuesday September 29, LEAD Agency is hosting their 17th National Environmental Conference at Tar Creek. The conference will include talks and panel discussions from tribal leaders, investigative journalists, environmental scientists, and members of the Waterkeeper Alliance. The Quapaw Tribe of Oklahoma and LEAD Agency are among few Oklahoma-based groups taking action to restore Superfund sites. Their aim is to remediate the damage done by the mining industry and to discuss other pressing environmental issues that impact tribal citizens in the state.

Sept. 29, State and Tribal officials will give an update on the Tar Creek Superfund, including EPA's continuing work on the project. Because the mining sites reach into Missouri and Kansas, the Superfund falls under the jurisdiction of two separate US EPA regions.

Robert Nairn, a University of Oklahoma professor and director of the Center for the Restoration of Ecosystems and Watersheds, will talk about his ongoing efforts to remediate water contamination through passive treatment methods.

The conference will open with a blessing from Eastern Shawnee Tribal Chief Glena Wallace. Grand Riverkeeper Earl Hatley will report on water quality issues related to the Arkansas River watershed and the abandoned lead mines. Attorney for the Waterkeeper Alliance, Kelly Hunter-Foster will talk about the recent Clean Water Act Rule which applies new regulations to protect streams and floodplain areas.

Day two of the conference opens with a keynote address from Marc Yaggi, executive director of the Waterkeeper Alliance. Discussion will also address contemporary topics such as climate change, renewable energy development, fracking, and emergency preparedness.

LEAD's Grand Riverkeeper Earl Hatley said "speakers will cover various aspects of the above topics so that all will leave with a better understanding of the issues we face."

For more information about the conference, contact Rebecca Jim, LEAD Agency at 918 256-5269

Background on the Quapaw Tribe of Oklahoma

Like many American Indian tribes, the Quapaws were ravaged by multiple epidemics of smallpox, tuberculosis, measles, and other European crowd-type diseases. After European contact, Quapaws became a diaspora of several scattered bands of Dakota Sioux and Osage peoples, forcibly removed from ancestral lands along the Ohio River. Quapaws were resettled downstream along portions of the Mississippi River in Arkansas. In 1824 they were moved to the Red River valley and again back to Arkansas in 1830. In 1834 the US Government again relocated the Quapaws, moving them from

Arkansas to Indian Territory in what is now North East Oklahoma. At that time, tribal members had 96,000 acres of land. By 1867, Quapaws and been forced to cede more than half of that territory. Only 13,000 acres remain in their possession today. After being relocated to Oklahoma, Quapaws endured long periods of starvation. In 1897, lead and zinc deposits were found on the Quapaw's reservation. Heavy mining operations on Quapaw land began in 1919 and continued into the 1970s.

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How does the Mississippi River impact the Gulf? Research aims to find out

Aerials of wetlands and Mississippi River

Mississippi River as it flows into the Gulf of Mexico Saturday, July 10, 2010. Research funded by a \$300,000 federal grant should shed more light on how the Mississippi River impacts the water quality and wildlife of the Gulf of Mexico. (*DINAH ROGERS*)

The Associated Press By **The Associated Press**

on September 21, 2015 at 7:42 AM, updated September 21, 2015 at 7:44 AM

BATON ROUGE — Research funded by a \$300,000 federal grant should shed more light on how the Mississippi River impacts the water quality and wildlife of the Gulf of Mexico.

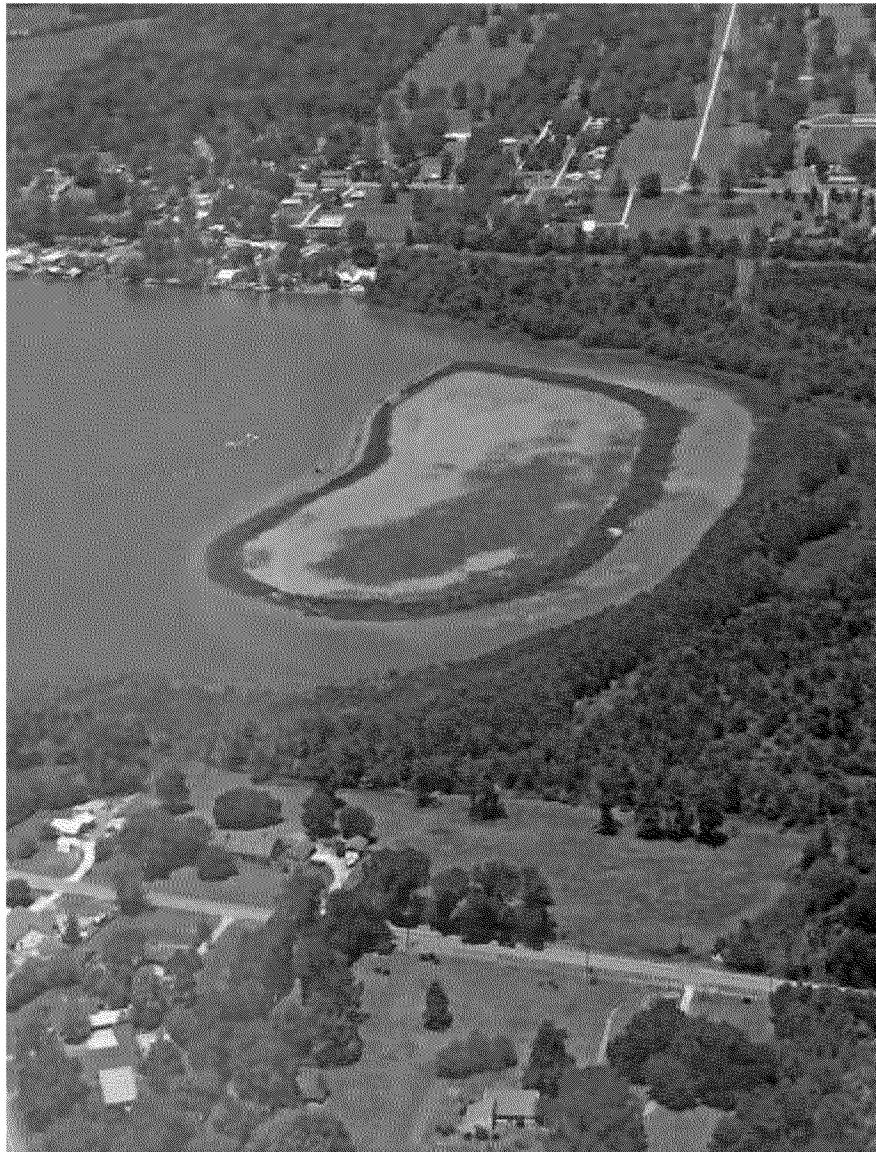
The goal of the two-year grant from the National Oceanic and Atmospheric Administration also is meant to guide future research on river diversions and species management.

Principal investigator Alex Kolker, associate professor with the Louisiana Universities Marine Consortium, tells The Advocate the recent grant-funded project builds on decade's worth of information collection along the Gulf Coast.

Researchers will take decades of information gathered by federal agencies and the five Gulf of Mexico states and connect it with computer models run through the Naval Research Laboratory, which will then factor in Gulf of Mexico currents and ocean circulations.

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Extension sought for completing work on False River containment dike



Photos provided by Professional Engineering Consultants Corporation -- Pictured is an aerial photo of a containment dike "island" that was built in the south end of False River as part of the phase 1 of the lake's restoration project.

Workers nearly finished with containment dike

By Terry L. Jones

tjones@theadvocate.com

As the first phase of restoration efforts in Pointe Coupee Parish's False River nears completion, officials say they're already seeing robust plant growth and a return of the habitats and vegetation most desirable to fish.

But, they say, bringing the ailing oxbow lake back is going to take more time and effort and they've asked the Police Jury for a 90-day extension for contractors to finish building a containment dike near the lake's southern tip.

That dike, or island, has been the cornerstone of the first efforts to restore False River's water quality. The project is being overseen by the False River Watershed Council, a panel of local elected officials and stakeholders.

"We are achieving our objectives," said Gerald Babin, vice president of Professional Engineering Consultants Corporation. "We're not trying to get it done and just move out of there. We're allowing (the contractor) more time to do a quality job."

The man-made island is described by officials as a ring-levee style containment being built from sediment dredged off the bottom of the lake's south end.

Dredging False River, once a fisherman's haven for catching trophy bass fish, provides additional water depth, which keeps the water temperature in a healthier range for fish, encouraging them to reproduce and replenish the lake's population.

False River's decline over the past two decades mostly has been attributed to the heavy silt buildup at the bottom of the lake, which state officials have said impeded vegetation growth that helps form fish-spawning habitats.

Babin said the contractor has spent the past few months sucking out roughly 160,000 cubic square yards of material from the lake bed and used it to solidify the island.

"That's equivalent of covering 22 football fields to a depth of 5 feet," he said. "The process of keeping those sediments in the dike is giving them time to settle. So (the contractor) pumps part of the day and then lets it settle overnight."

The 90-day extension, which adds no additional cost to the project, will give the contractor time to dredge the lake more slowly and provide more drying time for the sediment deposited on the containment dike which officials say increases the island's stability.

In the meantime, geotechnical borings and data are being collected as officials prepare the engineering work for dredging in the north end of False River. However, it's unlikely the parish will OK construction of a containment dike on that end.

"There will have to be a different concept because there is too much population on the north end to build an island," said Juror Kyle Olinde.

Olinde said the parish could entertain a proposal from a Pointe Coupee landowner who offered up his property as a dumping site for the sediment removed from the north end of the lake.

"He has some dirt pits that would accept it," Olinde said.

As the ongoing efforts in the lake's restoration continue, the Louisiana Department of Wildlife and Fisheries is moving forward with plans to create more spawning beds to supplement the ones it created in 2013. The department intends to also create several artificial reefs in False River sometime in the near future.

The third season of commercial fishing is set to begin Oct. 1. Wildlife and Fisheries officials have previously said commercial fishing helps reduce the number of bottom-feeding fish that were eating the lake's vegetation — a vital food source for the catches sports fishermen most desire such as bass, bream and sac-a-lait.

The False River Watershed Council is also seeking approval from the U.S. Army Corps of Engineers to build weirs and implement other strategies geared toward reducing the sediment load False River receives from the tributaries that flow into the lake.

"The future work done in this area will be anchored by what we accomplish in this first phase, so we have to ensure that the foundation of this restoration project is solid," State Rep. Major Thibaut, D-Oscar, said in a news release.

Follow Terry Jones on Twitter, [@tjonesreporter](#).

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